

REMARKS

Favorable reconsideration of this application is respectfully requested in view of the following remarks.

Submitted with the Amendment is a substitute specification. The substitute specification addresses the issues raised at the top of page two of the Official Action and also corrects various other idiomatic and grammatical errors. No new matter has been introduced. The substitute specification is accompanied by a marked-up copy of the original specification showing the changes that have been incorporated into the substitute specification. Accordingly, withdrawal of the objection to the disclosure is respectfully requested.

The subject matter of this application pertains to a sealed condition inspection device that permits the inspection of the sealed condition of an element. The sealed condition inspection device comprises a support unit that supports the element to be inspected, a pair of electrodes that are adapted to be brought into contact with the portion of the element to be inspected, an electrical variable detecting unit that detects an electrical variable in the portion of the element to be inspected, and a sealed condition device for judging the sealed condition based on the electrical variable.

The Official Action sets forth two different rejections of independent Claim 1, one primarily involving U.S. Patent No. 6,794,885 to *Yasumoto* and the other primarily involving U.S. Patent No. 6,288,554 to *Yasumoto*. Both of these documents disclose an apparatus for inspecting packages for pinholes. Neither of these documents discloses a sealed condition inspection device that inspects the sealed condition of a portion of an element to be inspected. To more clearly

highlight this distinction, Claim 1 has been amended to recite that the sealed condition inspection device inspects the sealed condition of a sealed portion at which portions of the element are sealed together. Quite clearly, the apparatus disclosed in *Yasumoto '885* and *Yasumoto '554* do not inspect the sealed condition of a sealed portion formed by portions of the element being sealed together. Rather, as noted above, the apparatus disclosed in the two primary references are specifically constructed to determine the existence of pinholes in a package.

In addition, Claim 1 has been amended to recite that the pair of electrodes are adapted to be positioned in contact with the sealed portion that is to be inspected at positions across from one another so that the sealed portion devoid of the contents in the element is positioned between the pair of electrodes. This is to be contrasted with the disclosures in *Yasumoto '885* and *Yasumoto '554* where the electrodes are specifically adapted to be positioned at positions in which the contents in the package are located between the electrodes.

The Official Action also relies upon the disclosure in U.S. Patent No. 4,243,932 to *Kakumoto et al.*, stating that this document discloses a device for judging the sealed condition of the element based on an electrical variable. However, the disclosure in *Kakumoto et al.* is actually similar to the disclosures in *Yasumoto '885* and *Yasumoto '554* in that *Kakumoto et al.* is specifically concerned with determining the existence of pin holes in a container as discussed in the Abstract of *Kakumoto et al.* as well as at the top of column 1 and in the discussion beginning in line 53 of column 3. Thus, combining the disclosure in *Kakumoto et al.* with the disclosures in either of *Yasumoto '885* or *Yasumoto '554* would not have directed one to include a sealed condition device that judges the sealed condition of

the sealed portion of an element as claimed. It is thus respectfully submitted that independent Claim 1 is allowable over the two combinations of references relied upon in the Official Action.

New independent Claim 7 recites a method of inspecting the sealed condition of an element that involves positioning an element adjacent a pair of electrodes, wherein the element comprises a sealed portion at which portions of the material forming the element are sealed together. The method also comprises contacting the electrodes to the sealed portion of the element at opposite sides of the sealed portion, supplying electric current to the electrodes in contact with the sealed portion, detecting an electrical variable in the sealed portion, and judging a sealed condition of the sealed portion based on the detected electrical variable.

None of the three references relied upon in the Official Action discloses a method of inspecting the sealed condition of a sealed portion of an element as recited in independent Claim 7. It is thus respectfully submitted that new independent Claim 7 is also allowable.

Dependent Claims 2-6 and 8-10 set forth further distinguishing aspects of the claimed subject matter. However, as these claims are allowable at least by virtue of their dependence from allowable independent claims, the additional distinguishing aspects are not discussed at this time.

Early and favorable action with respect to this application is respectfully requested.

Should any questions arise in connection with this application or should the Examiner believe that a telephone conference with the undersigned would be helpful

in resolving any remaining issues pertaining to this application the undersigned respectfully requests that he be contacted at the number indicated below.

Respectfully submitted,

BUCHANAN INGERSOLL & ROONEY PC

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